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Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAY M. MILES,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, MARIE KIM and DOES 1  
TO 100, inclusive,

Defendants.

Case No. CV-08-2736 CW

**ADMINISTRATIVE MOTION TO  
EXEMPT CASE FROM GENERAL  
ORDER 56; DECLARATION OF  
SCOTT WIENER**

Date Action Filed: January 16, 2008  
Trial Date: None Set

1 Defendant City and County of San Francisco hereby moves that the Court exempt this case  
2 from General Order 56. In this lawsuit, Plaintiff alleges that a San Francisco Municipal Railway bus  
3 driver has wrongfully refused to allow him to board her bus. He alleges that these refusals violated  
4 his civil rights, constituted various torts under California law, and violated his rights as a disabled  
5 person under the Americans with Disabilities Act and corresponding California statutes. Plaintiff  
6 does not appear to allege any sort of physical or structural barrier that requires remediation. Rather,  
7 he simply alleges that the bus driver wrongfully refused to allow him to board the bus. The City  
8 requests that the Court take judicial notice of the complaint.  
9

10 After the City removed the case, the Court issued an order pursuant to General Order 56 that  
11 requires the parties to engage in various activities — for example, a site inspection — appropriate  
12 for ADA claims alleging physical barriers to access that may require remediation. This is not such a  
13 case, and compliance with General Order 56 would be a waste of time and resources.  
14

15 Accordingly, the City respectfully requests that the Court vacate its order designating this  
16 case as one that must comply with General Order 56.  
17

18 Dated: June 17, 2008  
19

20 DENNIS J. HERRERA  
City Attorney  
21 JOANNE HOEPER  
Chief Trial Deputy  
22 SCOTT D. WIENER  
Deputy City Attorney  
23

24 -/s/- *Scott D. Wiener*

25 By: \_\_\_\_\_  
26 SCOTT D. WIENER  
Attorneys for Defendant  
27 CITY AND COUNTY OF SAN FRANCISCO  
28

**Declaration of Scott Wiener**

I, Scott Wiener, declare as follows:

1. I am a Deputy City Attorney in the Office of the San Francisco City Attorney, counsel of record to Defendant City and County of San Francisco in this lawsuit. I have personal knowledge of the contents of this declaration and could and would testify competently thereto if called upon to do so.

2. Several weeks before filing this motion, I left a voicemail for Plaintiff's counsel asking him to stipulate to removal of the case from General Order 56's requirements. Counsel left me a return voicemail, and I in turn left him a voicemail. I did not hear back from counsel thereafter. Accordingly, the City is filing this motion without a stipulation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on June 17, 2008, at San Francisco, California.

-s/- *Scott D. Wiener*

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Scott Wiener

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24 By: 

25 SCOTT D. WIENER

Attorneys for Defendant

26 CITY AND COUNTY OF SAN FRANCISCO  
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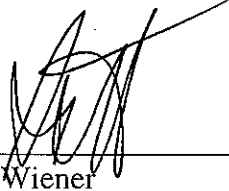
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Scott Wiener